

CITY OF MARTINSVILLE

PROCEDURES SUMMARY FOR PLAN COMMISSION AND BOARD OF ZONING APPEALS APPLICATION

Following is the procedure for making application to the City of Martinsville Plan Commission or Board of Zoning Appeals for zoning change, subdivision approval or variance. This summary of application procedures is being provided as an aid to the applicant and is not intended or represented to be a replacement for the procedures and requirements of the City of Martinsville Zoning Ordinance. It is the responsibility of the applicant to comply with the requirements of the Ordinance. Any applicant who has not met the filing schedule or public notice requirements will not be heard by the Commission or Board.

1. Application forms are available from the Office of the Martinsville City Superintendent. A copy of the City of Martinsville Zoning Ordinance is available from the Office of the City Clerk/Treasurer, 110 W. Morgan Street, at a cost of \$20.00.
2. **FILING PROCEDURES OF ALL APPLICATIONS:**
 - (a) Make application with the Office of the City Superintendent not less than twenty (20) days prior to the scheduled meeting of the Commission or Board and pay the associated filing fee(s). In addition to the application form three copies of any maps, drawings or site plans shall be submitted with the application. In the case of an application for a subdivision or minor plat four (4) copies are required containing all the information required by Section 13.3.1 or 13.3.4 of the Ordinance.
 - (b) Application for variances from development standards must be specific as to the requested variance. Example: *In a R1(a) Residential District a variance is requested in the front setback line from the required 40 feet to 30 feet.*
 - (c) Place a legal notice in the Martinsville Reporter per the “Notice of Public Hearing” example attached. The hearing notice must appear in the paper **not less than fifteen (15) days prior** to the scheduled date of the hearing. The publisher's affidavit containing the text of the legal notice, date of publication and name of newspaper must be returned to the Office of the City Superintendent **not less than two (2) days prior** to the scheduled hearing date.
 - (d) Notice shall be given to all landowners adjoining and within two parcels in depth or six hundred sixty (660) feet from the subject parcel, whichever is less (streets, highways, railroads or rivers shall be ignored). Notification shall be made **not less than fifteen (15) days prior** to the scheduled date of the hearing by certified mail, return receipt requested in the form shown on the attached “Notice of Public Hearing” example. The notice shall be sent to the most current owner and address as listed in the tax assessment records of the Auditor of Morgan County. A notarized affidavit (example form attached) of notice shall be returned to the Office of the City Superintendent **not less than two (2) days prior** to the scheduled hearing date. The notarized affidavit shall list the names and addresses to which the notice had been sent and the return receipts (green cards) or receipt of mailing shall be attached.
 - (e) Notice shall be sent to the following agencies by certified mail, return receipt requested, or by hand delivered with proof of delivery, **not less than fifteen (15) days prior** to the scheduled date of the hearing. Proof of delivery shall be returned to the Office of the City Superintendent **not less than two (2) days prior** to the scheduled hearing date:
 1. Martinsville Police Department or if not within the city limits the Morgan County Sheriff.
 2. Martinsville Consolidated School Corporation
 3. Morgan County Highway Engineer, if not within the city limits.
 4. Morgan County Surveyor, if not within the city limits.
 5. Martinsville Fire Department and if outside the city limits the department having jurisdiction.
 6. Morgan County Board of Health if the development is to be serviced by individual waste treatment (septic) systems.
 - (f) Fifteen (15) days prior to the scheduled meeting each member of the Plan Commission or Board of Zoning Appeals, as the case may be, shall be sent by regular mail at their address shown on the attached sheets, the same notice as given to the adjoining landowners together with any exhibits, plans or plats that you wish the members to have. When appearing before the BZA requesting a variance, include the appropriate Findings of Fact letter (variance of use, variance of development standards, special exception, or variance from the flood protection standards) filled out as complete as possible.
3. Only the legal owner of the land or owner's attorney may make application to the Commission or Board. If the applicant is not the legal owner of the land on which the application is being filed a written, dated, statement authorizing the applicant to represent the landowner before the Commission or Board is required to be filed at the time application is made.
4. Not less than five (5) days prior to the scheduled meeting the technical review comments compiled by the Commission will be sent to the applicant. Comments will be faxed or e-mailed to the applicant, or applicant's surveyor/engineer, if a fax number or e-mail address is provided on the application.
5. You may present photos, drawings, plans or other documents in support of your application at the hearing.
6. At the hearing you may represent yourself or be represented by an attorney, surveyor, engineer or anyone else you choose. You or your representative will be expected to explain your application to the Commission or Board. You will be given up to fifteen minutes for your presentation. Remonstrators will be given a total of fifteen minutes, up to five minutes per person, for their presentation. After the remonstrators' presentation the applicant will be given up to five minutes for rebuttal. All times may be extended at the discretion of the Chairman. Comments shall be directed to the Commission or Board. Direct conversation with the remonstrators will not be permitted unless allowed by the Chairman.
7. Disorderly conduct, offensive language or gestures will not be tolerated.